

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MSC STATE & RIVER, LLC,

Plaintiff,

v.

JOYCE MILLER *et al.*,

Defendants.

No. 24-cv-4658

**ORDER
TO SHOW CAUSE**

THIS MATTER comes before the Court by way of a Notice of Removal filed by Defendants Joyce Miller, J. Miller & Associates, LLC, John Does, and ABC Corporations (collectively, “Defendants”), (ECF No. 1), to remove this action from Camden County Superior Court of New Jersey where it was originally filed; and

WHEREAS, Defendants allege in its Notice of Removal that removal is proper because the parties are “citizens of different states” but fails to plead with any particularity the citizenship of each party; and

WHEREAS, federal courts have an independent obligation to address issues of subject matter jurisdiction *sua sponte* and may do so at any stage of the litigation, *Zambelli Fireworks Mfg. Co., Inc. v. Wood*, 592 F.3d 412, 418 (3d Cir. 2010); *Lincoln Benefit Life Co. v. AEI Life, LLC*, 800 F.3d 99, 104 (3d Cir. 2015) (“The principal federal statute governing diversity jurisdiction, 28 U.S.C. § 1332, gives federal district courts original jurisdiction of all civil actions ‘between . . . citizens of different States’ where the amount in controversy exceeds \$75,000.”) (citations omitted); and

WHEREAS, 28 U.S.C. § 1332 requires “complete diversity between all plaintiffs and all

defendants,” which means, “no plaintiff [may] be a citizen of the same state as any defendant.” *Lincoln Benefit Life Co*, 800 F.3d at 104 (citations omitted) (alteration in original); and

WHEREAS, for a Limited Liability Company, such as Plaintiff MSC State & River, LLC, and Defendant J. Miller & Associates, LLC, “the citizenship of an LLC is determined by the citizenship of its members,” *Zambelli Fireworks Mfg. Co., Inc.*, 592 F.3d at 420; but

WHEREAS, neither the Notice of Removal nor the attached Complaint provide any factual information as to the citizenship of the members of the LLCs, or the individual Defendant for that matter, on which the Court can evaluate whether there is complete diversity; therefore,

WHEREAS, the Court is unable to determine whether removal is proper under 28 U.S.C. § 1441(b); thus

IT IS on this 29th day of May 2024,

ORDERED that Defendants shall show cause as to why this matter should not remanded within seven (7) days of this order or, if appropriate, file an amended notice of removal to comply with 28 U.S.C. § 1441(b), failure to do so will result in this matter being remanded.


CHRISTINE P. O'HEARN
United States District Judge